



**CITY OF SUNNYVALE
REPORT
Planning Commission**

April 25, 2005

SUBJECT: **2005-0190 – NeoConix Inc.** [Applicant] **SCP-I** [Owner]:
 Application for a on a 28,459 square-foot site The property is located at **715 North Pastoria Avenue** (near Almanor Ave and Del Rey Ave) in an M-S (Industrial & Service) Zoning District. (Mitigated Negative Declaration) (APN: 165-41-025):

Motion Use Permit to allow a covered equipment area for a total floor area ratio (FAR) of 43% where 35% FAR may be allowed without City Council review.

REPORT IN BRIEF

Existing Site Conditions A one-story industrial building

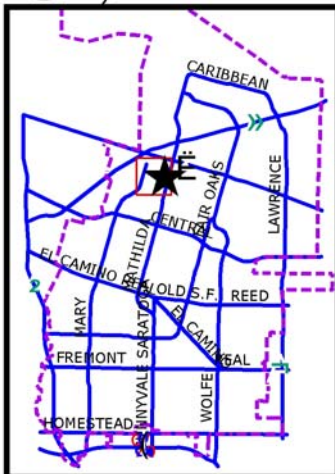
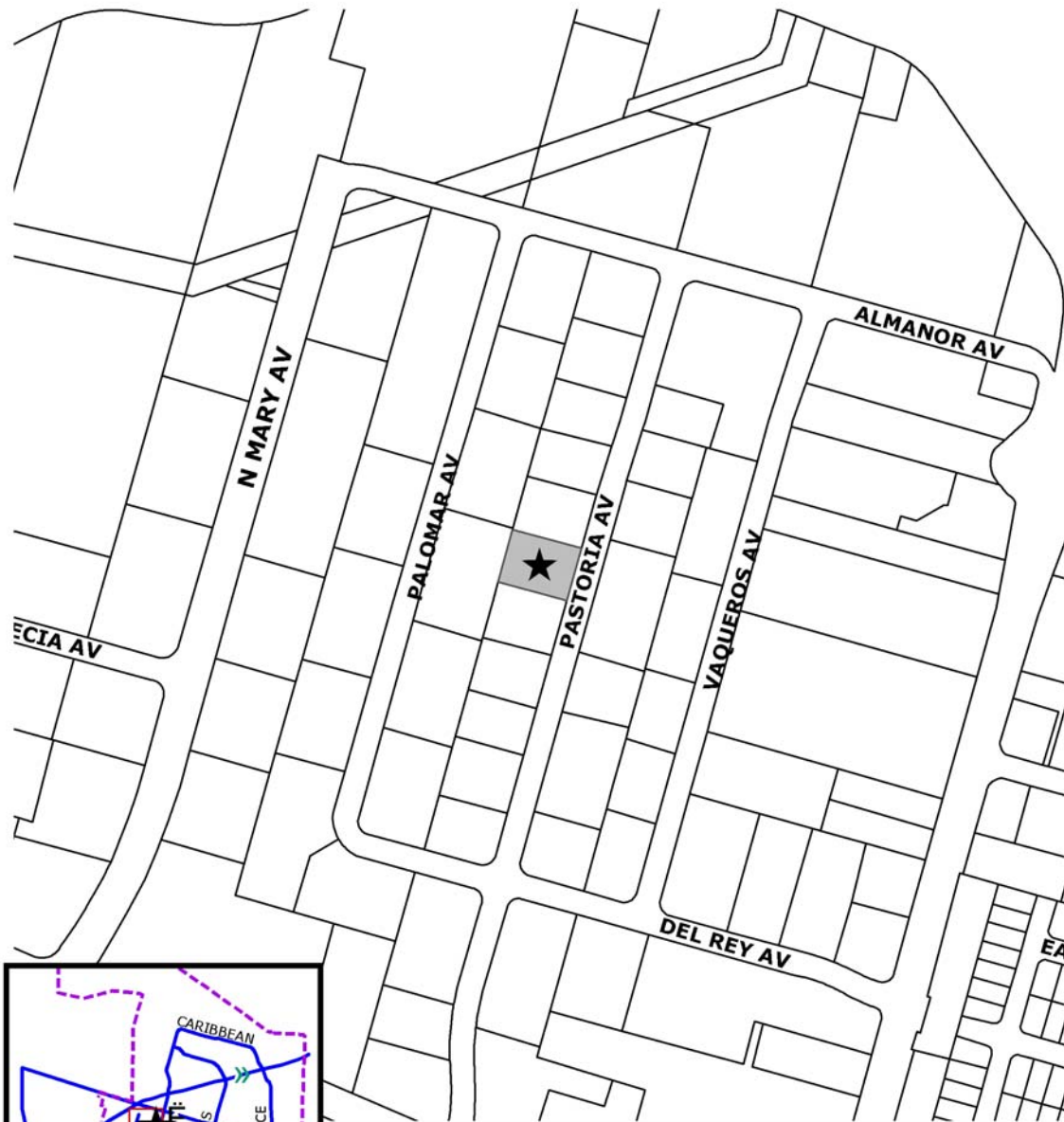
Surrounding Land Uses

| | |
|-------|------------|
| North | Industrial |
| South | Industrial |
| East | Industrial |
| West | Industrial |

Issues Floor Area Ratio
 Landscaping
 Undergrounding of utilities

Environmental Status A Mitigated Negative Declaration has been prepared in compliance with California Environmental Quality Act provisions and City Guidelines.

Staff Recommendation Approve with Conditions



**715 N Pastoria Ave
Use Permit**

0 230 460 920 Feet



PROJECT DATA TABLE

| | EXISTING | PROPOSED | REQUIRED/ PERMITTED |
|--------------------------------------------|-----------------|-----------------|-------------------------------------|
| General Plan | Industrial | Same | Industrial |
| Zoning District | MS | Same | MS |
| Lot Size (s.f.) | 28,459 | Same | 22,500 min. |
| Gross Floor Area (s.f.) | 11,390 | 12,242 | 12,807 max. |
| Lot Coverage (%) | 40% | 43% | 45% max. |
| Floor Area Ratio (FAR) | 40% | 43% | 35% max. w/o City Council Review |
| No. of Buildings On-Site | 1 | Same | --- |
| No. of Stories | 1 | Same | 8 max. |
| Setbacks of Building | | | |
| • Front | 16 | Same | Previously approved |
| • Left Side | 0 | Same | None |
| • Right Side | 30 | Same | None |
| • Rear | 67 | Same | 20 min. |
| Setbacks of Proposed Equipment Area | | | |
| • Front (in back of bldg.) | --- | 126 | 25 min. |
| • Left Side | --- | 45 | None |
| • Right Side | --- | 63 | None |
| • Rear | --- | 45 | 20 min. |
| Landscaping (sq. ft.) | | | |
| • Total Landscaping | 1,950 | Same | 5,692 min. |
| • Frontage Width (ft.) | 20 | Same | 15 ft. min. |
| • Parking Lot Area Shading (%) | Approx. 30% | Same | 50% min. in 15 years |
| Parking | | | |
| • Total Spaces | 30 | Same | 25 min. |
| • Standard Spaces | 30 | Same | 13 min. |
| • Compact Spaces | 0 | Same | 12 max. (50%) |
| • Accessible Spaces | 2 | Same | 2 min. |
| • Bicycle Parking | 0 | Same | 1 Class I and 1 Class II min. |

| | EXISTING | PROPOSED | REQUIRED/ PERMITTED |
|-----------------------------------------|----------|----------|------------------------|
| Stormwater | | | |
| • Impervious Surface Area (s.f.) | 1,950 | Same | 5,692 min. |
| • Impervious Surface (%) | 7% | Same | 20% |

★ Starred items indicate deviations from the Sunnyvale Municipal Code requirements.

ANALYSIS

Description of Proposed Project

The proposed plan calls for construction of a roof covered concrete pad (20 feet by 41 feet) to relocate a chemical treatment system and equipment currently located in the existing building. The facilities are used for R&D and manufacturing. The concrete pad shall include a containment berm in case of chemical spills.

The purpose of relocating the treatment system is to allow for more manufacturing space inside the existing building and to create a safer work environment within the building.

Background

Previous Actions on the Site: The following table summarizes previous planning applications related to the subject site.

| File Number | Brief Description | Hearing/Decision | Date |
|-------------|----------------------------------------------------------------|-----------------------------------|-----------|
| 1985-0363 | Use Permit to partially screen roof equipment | Administrative Hearing / Approved | 6/19/1985 |
| 1967-0511 | Tentative Map to sub-divide property into four industrial lots | Planning Commission / Approved | 9/27/1996 |

Environmental Review

A Mitigated Negative Declaration has been prepared in compliance with the California Environmental Quality Act provisions and City Guidelines. An initial study has determined that the proposed project would not create any significant environmental impacts with implementation of the recommended mitigation measures (see Attachment C for Initial Study and Attachment B for Condition of Approval #3).

Special Development Permit/Use Permit/Variance

Use: The existing use is research and development (R&D) and manufacturing facility. This proposal involves no change in the use, but simply a relocation of an existing treatment process from inside the building to a covered enclosure just behind the existing building.

Neoconix, Inc. is the sole occupant of the site. They produce interconnect device such as printed circuit boards. The proposed relocation of the processing equipment is to allow for more interior space for wet processing and for an air compressor. It will not result in additional office space. No additional staffing is proposed. The chemicals to be located in the proposed exterior enclosure are acids and bases and do not involve gases. The chemical treatment is to remove heavy metals from the processed equipment. The heavy metals are run through a press where the sludge is converted to a solid. The solid waste is then hauled away using standard hazmat procedures. Permitting and inspections of the hazardous processes are handled by City Public Safety staff. They are not up of consideration with this permit.

Site Layout: The site consists of an existing one-story industrial building which is attached to the neighboring building to the south with a zero-lot line. The site includes a landscaped area in the front, an access drive aisle and parking on the northern boundary, with parking and solid waste receptacles and minimal landscaping in the rear of the site.

Stormwater Management: The existing site has a landscaped area between the front of the building and the street, and a narrow landscaped area with small and large trees along the rear property line.

While the proposed project does not trigger a formal stormwater management plan requirement. The project could benefit from for adequate impervious surface to be established on the site, and the applicant is strongly encouraged to institute simple stormwater management techniques, such as roof drainage down-spouts draining to open landscaping areas. These are not requirements of this project.

Easements and Undergrounding: An overhead utility line is located along the rear property line with an overhead service drop to the existing building.

All existing and proposed utility service drops on the site shall be undergrounded (see Condition of Approval #10). This is required for all newly developed or modified sites. The proposed addition of the additional FAR qualifies as a modification to the site.

Architecture: The existing building is of the standard box-type industrial building. The proposed addition in the rear of the building is surrounded by a 6 foot high chain link fence that exceeds the height of all equipment to be located inside the enclosure. The fence shall have environmental green colored slats to shield visibility to the equipment.

Landscaping: The site contains only 7% of the required 20% of landscape coverage and is deficit from the current landscaping requirements. As the site provides more than the required parking space (30 provided where only 23 required), converting parking to landscaping will enable the site to meet landscaping requirements. Converting select parking stalls to landscaping with trees will also allow for parking lot shading requirements to be met. A landscaping plan shall be required prior to issuance of Building Permits (see Condition of Approval #4).

The site currently has 5 protected heritage trees. Protected trees are those that measure 38 inches or greater in circumference when measured at four feet from the ground. The plans for this project include preserving all 5 of the protected trees.

Parking/Circulation: The site currently has 30 parking spaces where only 25 are required with the proposed addition. The proposed enclosure will not result in the loss of parking spaces. All of the 30 existing spaces are standard size, where up to 50% are allowed to be compact. As stated above, excess parking will be required to be turned into landscaping (see Condition of Approval #4).

Housing Mitigation Fee: The project will construct office square footage in excess of 35% FAR. To off-set this development's additional impact to the City's job/housing ratio, the applicant is required by the City's Housing Mitigation Policy to pay a Housing Mitigation Fee of \$7.19 per square foot in excess of the previously approved 40% FAR. The Housing Mitigation Fee is estimated to be \$6,125.88 (see Attachment B, Condition of Approval 1.E).

Compliance with Development Standards/Guidelines: The site does not comply with current requirements for total landscaping, parking lot shading, guidelines for bicycle parking, and targeted impervious surface for stormwater runoff management. The proposed 43% FAR calls for City Council review, though is not specifically prohibited by the City Municipal Code. In addition, the Code calls for undergrounding of utility service drops for newly developed or modified sites. Staff has addressed the additional findings for projects with FAR over 35%. They are included in Attachment B.

Expected Impact on the Surroundings: With standard use and maintenance, and permitting by City Public Safety staff, the chemicals are not anticipated to have an impact on the surrounding sites. The proposed chemicals are acids and bases and are not expected to result in discharge through the air.

Fiscal Impact

This project is subject to a Housing Mitigation Fee of approximately \$6,125.88. No fiscal impacts other than normal fees and taxes are expected.

Public Contact

| Notice of Mitigated Negative Declaration and Public Hearing | Staff Report | Agenda |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> Published in the <i>Sun</i> newspaper Posted on the site 70 notices mailed to the property owners and residents within 300 ft. of the project site; 7 were returned by the Post Office (vacant or no forwarding address) | <ul style="list-style-type: none"> Posted on the City of Sunnyvale's Website Provided at the Reference Section of the City of Sunnyvale's Public Library | <ul style="list-style-type: none"> Posted on the City's official notice bulletin board City of Sunnyvale's Website Recorded for SunDial |

Conclusion

Discussion: This project triggers City Council review given the increase of FAR from the previously approved 40% to the proposed 43%. While the increase is not prohibited, it requires a review of a variety of issues, ranging from community character to environmental impact to design to economic impact. These issues are individually addressed in the table in Attachment A. The primary issues highlighted in the table are both the environmental concern previously addressed through a mitigation and an economic benefit to the applicant and user of the site.

Of concern on this project is the potential release of chemicals, especially given the proximity of the Sunnyvale West Channel which ultimately drains to the San Francisco Bay. However, mitigation measures have been put in place to

reduce the potential for impact. The location is at the beginnings of Sunnyvale West Channel and it is enclosed and underground along Pastoria Avenue.

Other issues for the proposed project include: Landscaping, Undergrounding of utilities, and review by Council for exceeding 35% FAR.

This application provides the opportunity to bring the site into compliance with current landscaping requirements. The site currently provides only 7% of the required 20% of the lot area. To note, the proposed enclosure does not reduce existing landscaping. The site has more parking than required, and some of the parking area may be replaced with landscaping to meet the City's requirements. This can also result in additional parking lot shading, as required by the Sunnyvale Municipal Code. The site currently provides only about 30% shading where 50% is required.

Lastly, the site contains overhead utilities in the rear of the property, both along the property line and connecting to the rear of the building. The Municipal Code calls for the undergrounding of utility drops from the main utility lines to the on-site building.

Findings and General Plan Goals: Staff was able to make the required Findings based on the justifications for the Use Permit. Findings and General Plan Goals are located in Attachment A. Included in the Findings are the Review Criteria for Projects Greater than 35% FAR.

Conditions of Approval: Conditions of Approval are located in Attachment B.

Alternatives

Recommend that the City Council:

1. Adopt the Mitigated Negative Declaration and approve the Use Permit with attached conditions.
2. Adopt the Mitigated Negative Declaration and approve the Use Permit with modified conditions.
3. Adopt the Mitigated Negative Declaration and deny the Use Permit.
4. Do not adopt the Mitigated Negative Declaration and direct staff as to where additional environmental analysis is required.

Recommendation

Recommend Alternative 1 to the City Council.

Prepared by:

Jamie McLeod
Project Planner

Reviewed by:

Gerri Caruso
Principal Planner

Reviewed by:

Trudi Ryan
Planning Officer

Attachments:

- A. Recommended Findings and
Review Criteria for Projects Greater than 35% FAR
- B. Recommended Conditions of Approval
- C. Mitigated Negative Declaration
- D. Site and Architectural Plans
- E. Letter from the Applicant

Recommended Findings - Use Permit

Goals and Policies that relate to this project are:

Land Use and Transportation Element Action, policy C4.1 – *“Maintain a diversity of commercial enterprises and industrial uses to sustain and bolster the local economy.”*

Land Use and Transportation Element Action, Statement C4.2.2 – *“Study criteria to allow industrial FARs up to 45% by Use Permit in 35% zones, considering at a minimum:*

- *The effect of the project on the regional or City-wide roadway system (e.g. strategies for reducing travel demand. Proximity to transit centers, peak hour traffic generation)*
- *Minimum development size*
- *Redevelopment and/or lot consolidation*
- *That the project is intended primarily for a single user or has common/shared management*
- *Mitigation of housing impacts*
- *The development will result in an overall positive benefit to the community*

Land Use and Transportation Element Action, Statement N1.8.1 – *“Require high quality site, landscaping, and building design for higher intensity industrial development.”*

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale as the project encourages economic activity through supporting an existing business which is seeking to expand their manufacturing potential. The policy concerns raised by increasing the FAR are not substantiated as the proposed project will not result in an increased impact to the roadway system, is a minimal increase to the development, is intended for a single user, and is likely to result in an overall benefit to the local economy.
2. The proposed use is desirable, and will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the Zoning District because the chemical process do not involve gases and the potential environmental impact from a spill would be mitigated by the proposed berm and will require separate review and permitting by City staff. Locating the chemicals outside of the building will result in a safer working environment inside the building. The proposed structure will be located in the rear of the building and not result in a major visual impact for the neighboring site.

Review Criteria for Projects Greater Than 35% FAR

To assist the decision makers in considering higher FAR developments, the following review criteria will be used.

| Review Criteria | | Discussion/Explanation |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| CATEGORY I: COMMUNITY CHARACTER addresses the issues of land use and transportation capacity and neighborhood compatibility within the context of an overall City image. | | |
| A. | Is there sufficient current and future land use and transportation capacity to incorporate this project? | The project does not warrant a traffic impact analysis as it will not generate 100 peak hours trips. The total additional floor area is 852 square feet which will be subtracted from the development pool. |
| B. | Does project use and design contribute positively to a City image and community character that reflects current and future "high-tech" Silicon Valley? | The site plan and elevations meet the Citywide design guidelines. The proposed enclosure is located in the rear of the property and will not be visible from the street. The additional landscaping will make a positive contribution to the character of Sunnyvale. |
| C. | Does the project include minor upgrading of the building for safety or special function purposes? | The project involves the minor change of relocating chemicals. Restrooms will be reviewed to ensure they meet ADA standards. |
| D. | Have potential adverse impacts on nearby land uses been avoided, minimized or mitigated? | The subject site is located in the middle of an industrial zoned area. The planned berm is designed to mitigate any potential chemical spills, which could have a negative impact on the environment. |

| Review Criteria | Discussion/Explanation |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| CATEGORY II: ENVIRONMENTAL: TRAFFIC AND AIR QUALITY focuses on the ability of a proposed project to avoid, minimize or mitigate City-wide and local traffic and air quality impacts. | |
| <p>A. Does the project avoid or mitigate significant effects on the regional or City-wide roadway system?</p> <p>Is the project sited to avoid impacts on constrained intersections or roadway segments?</p> | <p>As the proposed addition is not designed to allow for additional office or work space, the proposed change is not intended to provide the opportunity for additional staffing, thus not resulting in additional impacts on the transportation system.</p> |
| <p>B. Are potential air quality impacts mitigated?</p> | <p>The chemicals to be located outside do not include gases. No significant impact to the air quality as the project will result in an insignificant number of net new trips.</p> |
| <p>C. Does the project provide opportunities for appropriate on-site retail/support services and amenities to minimize mid-day vehicle trips?</p> | <p>The proposed project is to support existing practices and staffing, and it is not expected to result in any increased vehicle trips.</p> |
| <p>D. Does the project provide mixed uses on the site to complement the primary use and adjacent land uses?</p> | <p>The project is not a mixed-use development.</p> |
| <p>E. Is the project located in close proximity to a light rail or Cal-Train station, and/or other convenient transit stops?</p> | <p>The site is located approximately 1.7 miles from the CalTrain station and approximately 0.5 miles from a bus stop.</p> |
| <p>F. Can identifiable and measurable negative impacts on City infrastructure and services be mitigated?</p> | <p>No City services or infrastructure are affected by the proposed development. There is not significant increase in services needed.</p> |
| <p>G. Is a Transportation Demand Management program planned for the site? Does it reduce traffic general and promote transit use?</p> | <p>No Traffic Demand Management Plan is planned for the site as there is no expected increase in employment.</p> |

CATEGORY III: SITE DESIGN AND ARCHITECTURE addresses several components of site design and architecture; focusing on the visual features and aesthetics, techniques to reduce the bulk and mass of the buildings, ways to reduce the amount of surface parking on the site.

| | | |
|----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| A. | <p>Does the project demonstrate exemplary architecture and design through:</p> <ul style="list-style-type: none"> • use of unique and/or high quality building materials, singly and in combination • state of the art design and materials • introduction of significant, innovative and noteworthy architectural forms and elements • special or unique features of the site plan design and implementation | <p>The proposed addition simply provides for 852 square feet of enclosed space for use of chemical facilities. The area is to be enclosed by a cyclone fence with green slats to limit visual access. Effectively, the employment-generating space is still within the 35% FAR.</p> |
| B. | <p>Does the project complement the City image and community character currently primarily low profile with a less intensive development density?</p> | <p>The addition is located behind the building and is not visible from the street. It will, however, complement the City's image as being "Silicon Valley" by providing additional manufacturing potential for the site.</p> |
| C. | <p>Does the site plan reduce the bulk and mass of the buildings on the site? Are the following techniques and others used in a creative and resourceful way?</p> <ul style="list-style-type: none"> • Façade and roofline variations • Reduction in the building footprint and significant increase of landscaping required by Zoning Code <p>Substantially greater setbacks than required by the Zoning Code.</p> | <p>The proposed project provides for a minimal impact on the mass of the building and does not substantially contribute to additional "bulk".</p> |

| | | |
|----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| D. | Does the site plan include techniques to reduce non-point source pollution? | The manufacturing chemicals used on-site are to be managed per City, State and Federal regulations. Further, staff has proposed the installation of additional landscaping, which will have the effect of on-site treatment for stormwater run-off. |
| E. | <p>Is a reduction in the amount of surface parking achieved?</p> <ul style="list-style-type: none"> • Significant reduction in the number of surface parking spaces • Provision of structured parking and/ or underground parking <p>Introduction of a landscape reserve that can be converted to parking on an as-needed basis, or as a permanent park.</p> | The overall parking ratio is 1/408 which is less than the maximum allowed by Code. Staff has recommended installation of additional landscaping, which would further reduce parking. There are no parking structures proposed. |
| F. | Is the site comprehensively planned through the creation of a Master Plan or Site Specific Plan? Has a long term development plan been prepared that allows phasing of the project based on implementation of improvements and mitigations? | N/A |
| G. | How is the calculation of the "effective" FAR being conducted? Does the size of the project warrant a different method of calculating the FAR? | The total increase in floor area is 852 square feet. All floor area is included in the FAR calculation; no other method is warranted at this time. |

| Optional Information | Discussion/Explanation |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>CATEGORY IV: ECONOMIC, FISCAL AND COMMUNITY BENEFIT identifies the need to relate the project to the economic prosperity program of the City, potential impact on the City, the relationship to the local economy and employment in terms of the types and numbers of jobs likely to be generated by the project and other features of the development that will result in an overall positive community benefit. The following questions provide examples of how benefit can be described. Please respond to as many as apply.</p> | |
| A. Does the project implement the goals of the Economic Prosperity Program? | The project supports goals identified in the economic prosperity program relating to the business retention. The project provides for an existing building to be better utilized by a business which is consistent with the Sunnyvale Profile. |
| B. Does this project have a significant net positive fiscal impact over the next 5-20 years? | It is anticipated that the project will result in a minor increase to the City's share of real estate tax revenue generated by the property and that building permit fees will be collected. The additional space will provide a net benefit to the tenant business, which may result in additional sales revenue for the City. |
| C. Does the project include the provision of on-site corporate headquarters and/or a "point of sale" office? | The site is the corporate headquarters for Neoconix, Inc.; however, sales are made out of other locations. |
| D. To what extent does this project provide resident and/or youth employment opportunities both now and in the future? | The project is not expected to result in any additional staffing requirements for Neoconix, Inc. The business tends to hire specialty-skilled professionals. |
| E. Do the anticipated types and numbers of jobs complement the current and desired future job profile in Sunnyvale? | While the project is not expected to contribute to job growth, Neoconix is the type of business promoted in Sunnyvale as "high tech". |
| F. To what degree do the proposed jobs generate related jobs and services in Sunnyvale? | The project is not expected to result in any additional staffing requirements. |
| G. The project is intended primarily for single user or has common/shared management (Action Statement C4.2.2.) | The project is intended to serve the existing single occupant of the site. |

| | | |
|----|-------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|
| H. | Can the applicant identify other community benefits that could be attributed to the proposed project? | As indicated by the applicant, this project will have a positive effect by increasing the business activity for Neoconix, Inc. |
|----|-------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|

Recommended Conditions of Approval - Use Permit

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

1. GENERAL CONDITIONS

- A. Project shall be in conformance with the plans approved at the public hearing(s). Minor changes may be approved by the Director of Community Development, major changes may be approved at a public hearing.
- B. The Conditions of Approval shall be reproduced on a page of the plans submitted for a Building permit for this project.
- C. The Use Permit shall be null and void two years from the date of approval by the final review authority at a public hearing if the approval is not exercised, unless a written request for an extension is received prior to expiration date.
- D. To address storm water runoff pollution prevention requirements, an Impervious Surface Calculation worksheet is required to be completed and submitted for the California Regional Water Quality Control Board prior to issuance of a Building Permit.
- E. Pay the Housing Mitigation fee, estimated at \$6,125.88, prior to obtaining Building Permits.

2. ENVIRONMENTAL MITIGATION MEASURES

- A. In addition to complying with applicable City Codes, Ordinances, and Resolutions, minimize the identified potential environmental impacts by installing a liquid-containing berm around the chemical bins to contain at least 150% of largest tank and 20 minutes of sprinkler flow.
- B. Final plans shall bear the consultant's signature.
- C. All waste that leaves the site, including waste water from the processing plant, shall meet City, State and Federal waste disposal requirements and shall meet such requirements for disposal.
- D. Obtain any necessary permits from the City's Public Safety staff for on-site chemical use or storage prior to issuance of Building Permits.

3. EXTERIOR EQUIPMENT

- A. Any modification or expansion of unenclosed uses shall require approval from the Director of Community Development.
- B. All unenclosed materials, equipment and/or supplies of any kind shall be maintained within approved enclosure area. Any stacked or stored items shall not exceed the height of the enclosure.

4. LANDSCAPING

- A. Landscape and irrigation plans shall be subject to approval by the Director of Community Development prior to issuance of a Building Permit. Landscaping and irrigation shall be installed prior to occupancy. The landscape plan shall include the following elements:
 - 1. Increase the landscaping to meet the 20% requirement for the site, including installation of tree bays to provide for shading of parking areas.
- B. All landscaping shall be installed in accordance with the approved landscape plan and shall thereafter be maintained in a neat, clean, and healthful condition.
- C. Trees shall be allowed to grow to the full genetic height and habit (trees shall not be topped). Trees shall be maintained using standard arboriculture practices.
- D. Of new trees installed, 10% shall be 24-inch box size or larger and no tree shall be less than 15-gallon size.
- E. Ground cover shall be planted so as to ensure full coverage eighteen months after installation.
- F. All areas not required for parking, driveways or structures shall be landscaped.

5. TREE PRESERVATION

- A. Maintain the five existing “protected trees” (defined in SMC 19.94) as well as the smaller trees located along the rear property line.
- B. For any work performed within the drip-line of an existing “protected tree”, a tree protection plan shall be installed prior to issuance of any Building Permits, subject to the on-site inspection and approval by the City Arborist.
- C. The tree protection plan shall remain in place for the duration of construction.
- D. The tree protection plan shall include measures noted in Sunnyvale Municipal Code Section 19.94.120 and at a minimum:

1. An inventory shall be taken of all existing trees on the plan including the valuation of all 'protected trees' by a certified arborist, using the latest version of the "Guide for Plant Appraisal" published by the International Society of Arboriculture (ISA).
 2. All existing (non-orchard) trees on the plans, showing size and varieties, and clearly specify which are to be retained.
 3. Provide fencing around the drip line of the trees that are to be saved and ensure that no construction debris or equipment is stored within the fenced area during the course of demolition and construction.
- E. Overlay Civil plans including utility lines to ensure that the tree root system is not damaged.

6. BICYCLE PARKING

- A. Provide one (1) Class I and one (1) Class II bicycle parking spaces per VTA Bicycle Technical Guidelines, as approved by the Director of Community Development. The Class II bicycle parking may be a bike rack, and the Class I may be a bike locker, locked compound or storage within the building.

7. SOLID WASTE

- A. Any chemical or hazmat waste from the site shall be removed and disposed of per local, state and federal requirements.

8. ROOF/ROOF SCREENS

- A. Roof vents, pipes and flues shall be combined and/or collected together on slopes of roof or behind parapets out of public view to meet code requirements as noted in Sunnyvale Municipal Code Section 19.38.020.

9. STORAGE

- A. All unenclosed materials, equipment and/or supplies of any kind shall be maintained within an approved enclosed area. Any stacked or stored items shall not exceed the height of the enclosure.
- B. All exterior trash shall be confined to approved receptacles and enclosures.
- C. Unenclosed storage area shall be fully screened to the highest point of any stored or stacked materials, equipment and/or supplies of any kind. The design and method of enclosure is subject to approval by the Director of Community Development. Any modification or expansion of unenclosed uses shall require approval from the Director of Community Development.

10. UNDERGROUND UTILITIES

- A. All existing service drops (extending from utility lines to the existing building) and proposed utilities shall be undergrounded.
- B. A copy of an agreement with affected utilities companies for existing overhead utilities which are on-site or within adjoining rights-of-way shall be provided to the Director of Community Development prior to issuance of a Building Permit or a deposit or bond in an amount sufficient to cover the cost of undergrounding shall be made with the City. Complete installation of conduits prior to occupancy.

11. MISCELLANEOUS

- A. The additional floor area herein approved shall be used solely for the proposed use of a chemical treatment facility and for no other purposes. Hazardous materials shall be licensed under the provisions of Title 20 of the Sunnyvale Municipal Code.